

10 ARIEL ABITTAN,
11 Plaintiff,

12 v.

13 LILY CHAO, and others,
14 Defendants.

15 YUTING CHEN,
16 Plaintiff,

17 v.

18 ARIEL ABITTAN, and others,
19 Defendants.

Case No. 20-cv-09340-NC

Case No. 21-cv-09393-NC

**ORDER ON DISCOVERY
DISPUTES CONCERNING
INITIAL DISCLOSURES**

Hearing: April 12, 2023

Re: Dkt. No. 179 in the 9340 case

Re: Dkt. No. 77 in the 9393 case

21 This order follows a discovery hearing concerning continuing deficiencies in the
22 Rule 26 initial disclosures by the defendants in the 9340 case (the “Abittan Case” and the
23 plaintiffs in the 9393 case (the “Chen Case”). The identical discovery letter briefs are filed
24 at Dkt. No. 179 in the Abittan Case case and Dkt. No. 77 in the Chen Case. This order will
25 be issued and applies in both cases.

27 • As to the location of documents and electronically stored information, the Abittan
28 Case defendants must serve a supplemental initial disclosure updating the location

1 information by April 19, 2023.

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- 3 • As to the document description by category, the Abittan Case plaintiffs' objection is
4 overruled.
- 5 • As to the 21 witnesses disclosed by the Abittan Case defendants with a phone
6 number "no longer known," defendants must serve a declaration by a person with
7 knowledge explaining the circumstances of how the numbers were previously
8 known and now are not. The declaration must be specific as to the when, who,
9 where, when, and how the numbers were lost.
- 10 • As to the locations disclosed of Chen and Ding in the Chen case, the disclosure
11 must be supplemented by April 19 with a personal address, not a virtual office.
- 12 • As to the damages disclosed by the Chen Case plaintiffs, the Court finds that the
13 damages disclosures are conclusory, elusive, and deficient. First, plaintiffs by April
14 must produce fully unredacted versions of the 19 documents shown at the
15 hearing. Second, also by April 19 plaintiffs must produce all documents supporting
16 their claimed damages. Any documentary evidence of damages not produced by
17 this date will be excluded.
- 18 • The Court set a further discovery hearing for April 26, 2023, at 11:00 a.m. in person
19 in courtroom 5. A joint status report must be filed by April 25 at noon. It should
20 include a proposed agenda for the hearing.
- 21 • The Court denied without prejudice an award of fees and costs or an award of Rule
22 37 sanctions.

23 **IT IS SO ORDERED.**

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25 Dated: April 12, 2023

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28 NATHANAEL M. COUSINS
United States Magistrate Judge